



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
May 3, 4, and 5, 2016**

SECOND AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 3, 4, and 5, 2016.

TUESDAY, MAY 3, 2016—9:00 A.M.

- (1) Property Reserve, Inc. v. Superior Court of San Joaquin County
(Department of Water Resources, Real Party in Interest), and Consolidated
Cases, S217738
- (2) Sandquist (Timothy) v. Lebo Automotive, Inc. et al., S220812
- (3) People v. Fuentes (Alexis Alejandro), S219109

1:30 P.M.

- (4) In re Isaiah W.; Los Angeles County Department of Children and Family
Services v. Ashlee R., S221263
- (5) In re Abbigail A. et al.; Sacramento County Department of Health and
Human Services v. Joseph A. et al., S220187
- (6) Richards (William Joseph) on Habeas Corpus, S223651

WEDNESDAY, MAY 4, 2016—9:00 A.M.

- (7) Friends of the College of San Mateo Gardens v. San Mateo County
Community College District et al., S214061
- (8) Ramos (Flavio) et al. v. Brenntag Specialties, Inc. et al., S218176
- (9) People v. Ikeda (Arnold), S209192
(*Abated on death of defendant; no oral argument to be heard.*)

1:30 P.M.

- (10) People v. Moran (Jeffrey Michael), S215914
(*To be called and continued to the late May 2016 calendar*)

- (11) People v. Morales (Josue Vargas), S228030
- (12) People v. Macabeo (Paul), S221852
- (13) People v. Zaragoza (Louis Rangel) [Automatic Appeal], S097886

THURSDAY, MAY 5, 2016—9:00 A.M.

- (14) City of Perris v. Stamper (Richard C.) et al., S213468
- (15) Baral (Robert C.) v. Schnitt (David), S225090
- (16) People v. Espinoza, Jr. (Zeferino), S224929

1:30 P.M.

- (17) People v. Jackson (Bailey) [Automatic Appeal], S139103

CANTIL-SAKAUYE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
May 3, 4, and 5, 2016**

The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, MAY 3, 2016—9:00 A.M.

(1) *Property Reserve, Inc. v. Superior Court of San Joaquin County (Department of Water Resources, Real Party in Interest), and Consolidated Cases, S217738*

#14-65 Property Reserve, Inc. v. Superior Court of San Joaquin County (Department of Water Resources, Real Party in Interest), and Consolidated Cases. (C067758, C067765, C068469; 224 Cal.App.4th 828; Superior Court of San Joaquin County; 4594.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order granting a petition for precondemnation entry. The court limited review to the following issues: (1) Do the geological testing activities proposed by the Department of Water Resources constitute a taking? (2) Do the environmental testing activities set forth in the February 22, 2011, entry order constitute a taking? (3) If so, do the precondemnation entry statutes (Code Civ. Proc., §§ 1245.010-1245.060) provide a constitutionally valid eminent domain proceeding for the taking?

(2) *Sandquist (Timothy) v. Lebo Automotive, Inc. et al., S220812*

#14-127 Sandquist (Timothy) v. Lebo Automotive, Inc. et al., S220812. (B244412; 228 Cal.App.4th 65; Superior Court of Los Angeles County; BC476523.) Petition for review after the Court of Appeal reversed an order in a civil action. This case presents the

following issue: Does the trial court or the arbitrator decide whether an arbitration agreement provides for class arbitration if the agreement itself is silent on the issue?

(3) *People v. Fuentes (Alexis Alejandro), S219109*

#14-93 *People v. Fuentes (Alexis Alejandro), S219109*. (G048563; 225 Cal.App.4th 1283; Superior Court of Orange County; 13NF0928.) Petition for review after the Court of Appeal remanded for further proceedings and otherwise affirmed an order dismissing an enhancement allegation in a criminal case. This case presents the following issue: Does the trial court have the power under Penal Code section 1385 to dismiss a Penal Code section 186.22 enhancement for gang-related crimes, or is the court limited to striking the punishment for the enhancement in accordance with subdivision (g) of section 186.22?

1:30 P.M.

(4) *In re Isaiah W.; Los Angeles County Department of Children and Family Services v. Ashlee R., S221263*

#14-123 *In re Isaiah W.; Los Angeles County Department of Children and Family Services v. Ashlee R., S221263*. (B250231; 228 Cal.App.4th 981; Superior Court of Los Angeles County; CK91018.) Petition for review after the Court of Appeal affirmed an order terminating parental rights. This case presents the following issue: Does a parent's failure to appeal from a juvenile court order finding that notice under the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) was unnecessary preclude the parent from subsequently challenging that finding more than a year later in the course of appealing an order terminating parental rights?

(5) *In re Abbigail A. et al.; Sacramento County Department of Health and Human Services v. Joseph A. et al., S220187*

#14-102 *In re Abbigail A. et al.; Sacramento County Department of Health and Human Services v. Joseph A. et al., S220187*. (C074264; 226 Cal.App.4th 1450; Superior Court of Sacramento County; JD232871.) Petition for review after the Court of Appeal reversed orders in a dependency proceeding. This case presents the following issue: Do

rules 5.482(c) and 5.484(c)(2) of the California Rules of Court conflict with Welfare and Institutions Code section 224.1, subdivision (a), by requiring the juvenile court to apply the provision of the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) to a child found by a tribe to be eligible for tribal membership if the child has not yet obtained formal enrollment?

(6) *Richards (William Joseph) on Habeas Corpus, S223651*

Richards (William Joseph) on Habeas Corpus, S223651. Original proceeding. The court issued an order to show cause why relief should not be granted on the ground that petitioner was convicted on the basis of false evidence as defined in Penal Code section 1473, subdivision (e).

WEDNESDAY, MAY 4, 2016—9:00 A.M.

(7) *Friends of the College of San Mateo Gardens v. San Mateo County Community College District et al., S214061*

#14-01 Friends of the College of San Mateo Gardens v. San Mateo County Community College District et al., S214061. (A135892; nonpublished opinion; Superior Court of San Mateo County; CIV508656.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issue: When a lead agency performs a subsequent environmental review and prepares a subsequent environmental impact report, a subsequent negative declaration, or an addendum, is the agency's decision reviewed under a substantial evidence standard of review (*Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal.App.4th 1385), or is the agency's decision subject to a threshold determination whether the modification of the project constitutes a "new project altogether," as a matter of law (*Save our Neighborhood v. Lishman* (2006) 140 Cal.App.4th 1288)?

(8) *Ramos (Flavio) et al. v. Brenntag Specialties, Inc. et al., S218176*

#14-71 Ramos (Flavio) et al. v. Brenntag Specialties, Inc. et al., S218176. (B248038; 224 Cal.App.4th 1239; Superior Court of Los Angeles County; BC449958.) Petition for

review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Are negligence and strict liability claims by an employee of a processing company against a supplier of raw materials for injuries allegedly suffered in the course of processing those materials barred by the component parts doctrine?

(9) *People v. Ikeda (Arnold)*, S209192 (*Abated on death of defendant; no oral argument to be heard.*)

#13-38 *People v. Ikeda (Arnold)*, S209192. (B238600; 213 Cal.App.4th 326; Superior Court of Ventura County; 2011007697.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case, before being abated on the death of defendant, presented the following issues: (1) After detaining a person outside a hotel room, may law enforcement officers enter the detainee's room to conduct a protective sweep under *Maryland v. Buie* (1990) 494 U.S. 325 based on a reasonable suspicion the room harbors a person posing a danger to officer safety? (2) Did law enforcement officers have reasonable suspicion in this case to believe defendant's hotel room harbored a person who posed a danger to officer safety?

1:30 P.M.

(10) *People v. Moran (Jeffrey Michael)*, S215914 (*To be called and continued to the late May 2016 calendar*)

#14-35 *People v. Moran (Jeffrey Michael)*, S215914. (H039330; nonpublished opinion; Superior Court of Santa Clara County; C1243366.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Was the condition of probation barring defendant from all Home Depot stores and their parking lots after he was convicted of shoplifting at a single Home Depot store unconstitutionally overbroad as impinging on his constitutional right to travel?

(11) *People v. Morales (Josue Vargas)*, S228030

#15-156 *People v. Morales (Josue Vargas)*, S228030. (G051142; 238 Cal.App.4th 42; Superior Court of Orange County; 13WF3934.) Petition for review after the Court of

Appeal remanded in part and otherwise affirmed a judgment of conviction of criminal offenses. This case includes the following issue: Can excess custody credits be used to reduce or eliminate the one-year parole period required by Penal Code section 1170.18, subdivision (d), upon resentencing under Proposition 47?

(12) ***People v. Macabeo (Paul), S221852***

#14-135 *People v. Macabeo (Paul), S221852*. (B248316; 229 Cal.App.4th 486; Superior Court of Los Angeles County; YA084963.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issues: (1) May law enforcement officers conduct a search incident to the authority to arrest for a minor traffic offense, so long as a custodial arrest (even for an unrelated crime) follows? (2) Did *Riley v. California* (2014) ___ U.S. ___ [134 S.Ct. 2473, 189 L.Ed.2d 430] require the exclusion of evidence obtained during the warrantless search of the suspect's cell phone incident to arrest, or did the search fall within the good faith exception to the exclusionary rule (see *Davis v. United States* (2011) 564 U.S. ___ [131 S.Ct. 2419, 180 L.Ed.2d 285]) in light of *People v. Diaz* (2011) 51 Cal.4th 84?

(13) ***People v. Zaragoza (Louis Rangel), S097886*** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.(17) *People v. Jackson* (17

THURSDAY, MAY 5, 2016—9:00 A.M.

(14) ***City of Perris v. Stamper (Richard C.) et al., S213468***

#13-98 *City of Perris v. Stamper (Richard C.) et al., S213468*. (E053395; 218 Cal.App.4th 1104; Riverside County Superior Court; RIC524291.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) In this eminent domain case, was the constitutionality of the dedication requirement — that the city claimed it would have required in order to grant the property owner permission to put the property to a higher use — a question that had to be resolved by the jury pursuant to article I, section 19, of the California Constitution?

(2) Was the dedication requirement a “project effect” that the eminent domain law required to be ignored in determining just compensation?

(15) ***Baral (Robert C.) v Schnitt (David), S225090***

#15-64 Baral (Robert C.) v. Schnitt (David), S225090. (B253620; 233 Cal.App.4th 1423; Superior Court of Los Angeles County; BC475350.) Petition for review after the Court of Appeal affirmed an order denying a special motion to strike in a civil action. This case presents the following issue: Does a special motion to strike under Code of Civil Procedure section 425.16 authorize a trial court to excise allegations of activity protected under the statute when the cause of action also includes meritorious allegations based on activity that is not protected under the statute?

(16) ***People v. Espinoza Jr. (Zeferino), S224929***

#15-52 People v. Espinoza Jr. (Zeferino), S224929. (H039219; 233 Cal.App.4th 914; Superior Court of Santa Clara County; CC954850.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Did the trial court err in continuing trial in defendant’s absence without a valid waiver of his trial rights or appointment of counsel after defendant, who was out of custody and representing himself, voluntarily failed to appear for his ongoing trial? (2) Was reversal required because the trial court refused to grant defendant a one-day continuance after it granted his motion during jury selection to represent himself?

1:30 P.M.

(17) ***People v. Jackson (Bailey), S139103*** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.